

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

Western Division

2022 MAR -2 PM 12:11

RECEIVED

RICHARD W. KINNEY SR.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

PUBLIC DEFENDER OFFICE

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Mr. Richard W. Kinney Sr.
 Address 1302 Apt B N.E 39th Street
KANSAS CITY MO 64116
City State Zip Code
 County JACKSON County
 Telephone Number 816-443-1282
 E-Mail Address KA Moore.1014@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Office of the Public Defender
 Job or Title (if known) Attorney's
 Address Oak Tower, 20th Floor 324 E. 11th Street
KANSAS CITY MO 64106
City State Zip Code
 County JACKSON County
 Telephone Number 816-889-2099
 E-Mail Address (if known) STEVEN.McDowell@MSPd.mo.gov
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name Steven McDowell
 Job or Title (if known) Attorney
 Address Oak Tower, 20th Floor 324 E. 11th Street
KANSAS CITY MO 64106
City State Zip Code
 County JACKSON County
 Telephone Number 816-889-2099
 E-Mail Address (if known) STEVEN.McDowell@MSPd.MO.gov
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

JACKSON County Detention Center
 Jail / Confinement
 1300 Cherry St
 Kansas City, MO 64106
 Jackson County
 N/A
 N/A

☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

5th, 6th & 14th
 AMENDMENT Rights

Missouri State Public Defender Office /

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- The office, the public Defenders office of Missouri, Jackson County Employed Mr. Steven McDowell, Attorney hired Oct. 1st 2021, Violated My 5th Amendment, by being Ineffect, in which My 6th Amendment assures me a Effective Assistance of Counsel, also My 14th Amendment right was → See

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

IN Jackson County Detention Center

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Dec. 16th 2021

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

My Attorney didn't put in A Motion For dismissal on My behave for violation of Speedy Trial, and Jackson County kept me locked up on the 5 charges, and The judge & District Attorney of the Courts & on lookers, violation of Due process For Failure to act within Effective duty as My Counsel

AttachMent

Violated by NOT having Due Process, and depriving me of life, Liberty, and/or Freedom.

Mr. Steven McDowell, took on as my attorney on 10.1.2021, in assertion of my 5th, 6th, and 14th Amendment Rights. Since then I only visit with Mr. McDowell once for 6 minutes. He has been continually unavailable, and uncooperative in assisting me in my current alleged charges. I have been in custody since 9.9.2021. I have been in Jackson County since the 16th of Sept. 2021, on Dec. 16th, in which 90 days after I was incarcerated, charges was refiled due to unnecessary delay by Judge Sarah Castle Div. 1# this violated my 5th amendment to due process, also my 6th and 14th as well, by not properly representing correctly makes Mr. Steven McDowell - ineffect of assistance for failure to "act knowingly" within effective duty as my council as he acts recklessly for not filing a dismissal.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Mental, Emotional, and Physical \Rightarrow Mental: I was beat into a Coma! on Sept 9, 2021 at Hardee's on Independence Ave Leno. I didn't pull out of the coma until the 15th of Sept. 2021, and I'm in right in jail at Jackson County Detention Center. Emotional: I was left to figure out what happened and when, why? in which I was able to request Mental Health medication. Physically: I still have seizures as a result of this incident, and my Attorney kept me confined instead of filing the right paperwork to free me, or deeply look into or investigate the matters of my case.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Actual Damages: Requesting \$40,000 A DAY For the time, I have been confined since Sept. 9th 2021.
Punitive Damages: \$50,000 A day since Oct 1, 2021
Pain & Suffering: 1 million Dollars

For A Total of Amount \$ 8,850,000 dollars

" Or alternative "

Dismissal of All Charges with prejudice, State Charges & City charges

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2-18-2022

Signature of Plaintiff

Printed Name of Plaintiff

Richard W Kinney Sr.
Richard W Kinney Sr

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

2 All Courier Mail

 MO STATE PUBLIC DEFENDER - KC TRIAL #
324 E. 11TH STREET
20TH FLOOR
KANSAS CITY MO 64106

LEGAL MAIL

RICHARD W KINNEY

JACKSON COUNTY DETENTION CENTER
1300 CHERRY STREET
KANSAS CITY MO 64106

